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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,316	10/03/2001	Steven D. Day	100075.90292	1889

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/10/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,316

Applicant(s)

DAY ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. The term "type" in claim 1 is a relative term which renders the claim indefinite.

The term "type" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tominaga (4579045).

Tominaga discloses a multisided bellows cover of the type which extends between relatively movable parts of a machine to which the bellows is mounted one end of the bellows being affixed to one of the parts (figure 5 number 2) and an opposite end of the bellows being affixed to the other part (figure 5 number 2) so that the bellows is

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extended when the parts move relatively apart and the bellows contracts when the parts move relatively together (col. 1 lines 43-44), the bellows substantially enclosing the space between the parts as the parts move relatively together and apart, each side of the bellows including an accordion folded panel (figure 5), the improvement wherein each of the panel includes a plurality of relatively rigid wall sections (figure 5 number 71a) spaced apart by a plurality of web sections which relative to the wall sections are flexible (figure 5 number 72), wherein each of the web section is integrally molded with a longitudinal edge of at least one wall section (figure 6 number 3). Tominaga discloses that the wall sections and the integral web sections are extruded profiles (figure 6 number 3). Tominaga discloses at least some of the web sections and adjacent wall sections are connected by bead in slot connection (figure 5 number 72). Tominaga discloses that the bellows has corners between adjacent sides of the bellows and the corners are formed by a web of flexible material, which is affixed to each of the sides (figure 5 number 12). Tominaga discloses that the corners are square and chamfered (figure 5 at the top and middle parts). Tominaga discloses that each web section has a wall section along one longitudinal edge and a bead along the opposite longitudinal edge (figure 5 number 72). Tominaga discloses that wherein a wall adjacent to the bead captures the bead in an open slot of the wall (figure 5 number 72). Tominaga discloses that wherein multiples walls and webs are molded edge to edge in one piece (figure 6 number 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga in view of Hennig (4745848).

Tominaga discloses a multisided bellows cover of the type which extends between relatively movable parts of a machine to which the bellows is mounted one end of the bellows being affixed to one of the parts (figure 5 number 2) and an opposite end of the bellows being affixed to the other part (figure 5 number 2) so that the bellows is extended when the parts move relatively apart and the bellows contracts when the parts move relatively together (col. 1 lines 43-44), the bellows substantially enclosing the space between the parts as the parts move relatively together and apart, each side of the bellows including an accordion folded panel (figure 5), the improvement wherein each of the panel includes a plurality of relatively rigid wall sections (figure 5 number 71a) spaced apart by a plurality of web sections which relative to the wall sections are flexible (figure 5 number 72), wherein each of the web section is integrally molded with a longitudinal edge of at least one wall section (figure 6 number 3). Tominaga fail to disclose a strap attached to the bellows. Hennig teaches a strap attached to the bellows for the purpose of wear resistant construction (col. 1 lines 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provide Tominaga with a strap attached to

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the bellows in order to obtain a wear resistant construction as taught by Hennig (col. 1 lines 47).


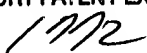
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jane Rhee
March 7, 2003


HAROLD PYON
SUPERVISORY PATENT EXAMINER


3/7/03